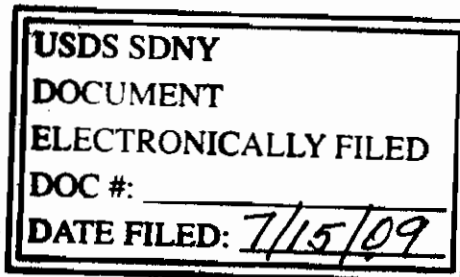


MEMO ENDORSED

July 13, 2009

Via Facsimile (212) -805-7930

Honorable James C. Francis
United States Magistrate Judge
Southern District of New York
500 Pearl Street
New York, N.Y. 10007



Re: *Gabayzadeh v. Brafman, et al.*
Case No.: 1:09-CV-4095-PAC-JCF
Request for Extension of Time to Respond
FKB File no. 301.096

Dear Judge Francis:

My Firm represents Defendants Benjamin Brafman, Brafman & Ross, P.C., Brafman & Associates, P.C., and Jennifer A. Liang (collectively "Brafman Defendants") in connection with the above-captioned matter. We write pursuant to your Honor's Individual Practice Rule 1.E, to request an extension through August 20, 2009 to file an answer, or alternatively, to move for dismissal of the Amended Complaint under Fed. R. Civ. P. 12.

As the Court is aware, the undersigned previously requested and obtained an extension through July 20, 2009 to file a response to plaintiff's Complaint. However, on June 29, 2009, plaintiff filed a motion seeking leave to amend the Complaint to include multiple exhibits (in excess of seventy (70) pages), which were not previously annexed to the original Complaint.

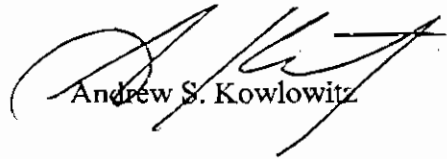
The extension of time will serve the salutary purpose of permitting us to meet with our clients to discuss the amendment and consider an appropriate response, including the possibility of filing a motion to dismiss the Complaint.

Since the Complaint states that the *pro se* plaintiff is currently incarcerated in the Fort Dix Correctional Institute, we have not attempted to contact plaintiff as required under your Honor's Individual Practice Rules. We believe that plaintiff's *pro se* status and incarceration would make it difficult to comply with that requirement while advancing this application in a timely manner.

We are available to conference at the Court's convenience. Thank you for your attention to this matter.

Respectfully submitted,

FURMAN KORNFELD & BRENNAN LLP



Andrew S. Kowlowitz

cc: Via First Class Mail

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7/14/09

Application denied without prejudice to renewal if and when the plaintiff properly files and serves an amended complaint. As of now, his original complaint is the operative pleading; the "motion" he submitted to the Court was rejected because it was not accompanied by any proposed amended complaint.

{00023218;1}

SO ORDERED.
James C. Francis IV
USMJ

TOTAL P.003